

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 17 September 2007. Responsive to the Office Action, Claim 2 is amended for further prosecution with the other pending Claims. It is believed that with such amendment of Claim 2, there is a further clarification of its recitations.

In the Office Action, the Examiner rejected Claims 2-3 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over the Baltierra reference in view of the Singer, et al., Hart, and Henkel references. In setting forth this rejection, the Examiner acknowledged that Baltierra fails to disclose a distal tool at a second end of its elongated member, but cited Singer, et al., Hart, and Henkel for disclosing various manicuring tools. The Examiner also cited Singer, et al. for disclosing a removable proximal member 26 having certain features, then concluded that it would have been obvious to one of ordinary skill in the art to have incorporated the features of the other references into the Baltierra device.

Also in the Office Action, the Examiner rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Baltierra in view of Singer, et al., Hart, and Henkel, further in view of the Grigoletto reference. Taking official notice as to the use of various connection mechanisms, the Examiner cited Grigoletto for disclosing the use of a retention cap for retaining a blade on another component of a manicure tool.

The Examiner further rejected Claims 2-5 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Baltierra in view of Singer, et al., Hart, and Henkel, further in view of the Volinsky and Parmley references. The Examiner cited Volinsky for disclosing a releasable proximal portion carrying a blade and two probes with respective tabs which the Examiner equated to retention caps. The Examiner cited Parmley for disclosing the use of various snap-fit connections, then concluded once more that it would have been obvious to one of ordinary skill in the art to have accordingly modified the device resulting from the combination of the other cited references.

As newly-amended independent Claim 2 now more clearly recites, Applicant's claimed manicuring appliance includes among its combinations of features a longitudinally extending elongated member on which proximal and distal members are releasably coupled. Among other things, the proximal member is provided with an "arcuately formed blade ... supported against ... [an] arcuately formed wall member." As Claim 2 further clarifies, the proximal member also includes "an arcuate lip portion at a first end thereof for rocking engagement of a surface therealong," with the "arcuately formed blade member disposed adjacent said lip portion." An "arcuate cutting path" is thus "defined for said blade member responsive to the rocking engagement of a surface by said lip portion," as Claim 2 also now more clearly recited.

The full combinations of these and other features now more clearly recited by the pending Claims is nowhere disclosed by the cited references. Note, for instance, that Baltierra's spade device 10 is formed with a dome portion 14 "terminating" at a blade edge 15 (column 2; line 12). Baltierra specifically notes that the dome portion 14 and blade edge 15 "perform two distinct, yet related functions," (column 2; lines 31-32). The very tip of the dome portion 14 when positioned and moved as shown in Baltierra's Fig. 2a, carries out a "cuticle-pushing function," (column 2; lines 36-37). The blade edge 15 may thereafter be lowered into position over the fingernail plate surface and pulled in the reverse direction as illustrated in Baltierra's Fig. 2b to carry out a pterygium membrane scraping function.

While the Examiner correlated it with Applicant's lip portion, the cuticle-pushing tip of Baltierra's dome portion 14 hardly forms "an arcuate lip portion" configured "for rocking engagement of a surface therealong" as Claim 2 recites. Nor is any "arcuate cutting path ... defined for said blade member responsive to the rocking engagement of a surface by" such dome portion tip, as Claim 2 recites for Applicant's lip portion. Note that by the time the blade edge 15 is set in place to carry out its function, Baltierra's tip has fully served its cuticle-pushing function – and has been removed from its cuticle-pushing position. What is more, the blade edge 15 is specifically prescribed by Baltierra to then be pulled outward along a linear cutting path rather than along any "arcuate cutting path." In these and other

respects, Baltierra's spade device plainly departs both in structure and function from Applicant's claimed appliance.

The Singer, et al., Hart, Henkel, and Grigoletto references were cited by the Examiner for disclosing other incidental features, as were the Volinsky and Parmley references. These secondarily-cited references fail to remedy the noted deficiencies of the Baltierra reference. Among other things, these references disclose devices having cutting, filing, and other such implements at their ends which are configured to be freely manipulated during proper use. None of the references provides any separate portion near a blade member, for instance, which makes "rocking engagement of a surface," such that "an arcuate cutting path ... [is] defined for said blade member responsive" thereto as Claim 2 now more clearly recites.

It is respectfully submitted, therefore, that the cited references, even when considered together, fail to disclose the unique combinations of elements now more clearly recited by the pending Claims for the purposes and objectives disclosed in the subject Patent Application.

It is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

No fees are believed to be due with this Amendment. If there are any charges associated with this filing, the Honorable Commissioner for Patents is hereby authorized to charge Deposit Account #18-2011 for such charges.

Respectfully submitted,
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